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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,171	11/27/2006	Brian Chandler	W004 P01311-US	3859
3017 7590 10/06/2009 BARLOW, JOSEPHS & HOLMES, LTD. 101 DYER STREET 5TH FLOOR PROVIDENCE, RI 02903				
EXAMINER				
HOOK, JAMES F				
ART UNIT		PAPER NUMBER		
3754				
MAIL DATE		DELIVERY MODE		
10/06/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/595,171

Applicant(s)

CHANDLER, BRIAN

Examiner

James F. Hook

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 28, 29, 33-39, 43-45, 48, 50, and 51 are rejected under 35 U.S.C. 102(b) as being anticipated by Endo (440). The reference to Endo discloses the recited tube comprising an elongated web of heat sealable plastic material through a former into a host pipe 10 with longitudinal edges of the web overlapping as seen in figure 2a-d by a second amount less than the first amount when the tube is expanded, a heat sealing means 6 is provided at the seam near the overlapping edges to allow tube to be expanded and then sealed, where the heat sealing means is a wire strip, the wire strip is mounted to a plastic strip 7 which bonds the wires to the web, the strip is attached at each overlapping edge, the strip runs along the length of the overlapping edges, the sealing means is applied in factory conditions or on site where such is method limitations that have little patentable weight to the final article, and the method of lining a pipe is also disclosed, where control of the power to the wires is considered inherent.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 30-32, 40-42, 46, 47, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Endo. The reference to Endo discloses all of the recited structure with the exception of using a hot iron, laser, or infrared heater to provide the heat sealing, sequencing the power to the wire, and abrading the surface of the web material prior to bonding the strip thereto, however, such are considered merely choices of mechanical expedients where one skilled in the art would only require routine experimentation to arrive at the optimum method of heat sealing, including sequencing power to the wire to prevent over heating as such would only require routine skill in the art to avoid damaging the web material thereby insuring a proper installation and saving money in premature repair costs. It is considered old and well known in the art to abrade materials before attempting to adhere materials thereto to improve the bond and it would have been obvious to one skilled in the art to abrade the surface to which the strip is to be adhered to insure proper bonding and save money in premature failure of the sleeve due to the wires coming away from the web before it was sealed.

Response to Arguments

Applicant's arguments filed May 20, 2009 have been fully considered but they are not persuasive. With regards to the arguments directed at Endo being stitched, the stitches do not pass directly through the seam itself and after inverting such the circumference of the tube extent will get larger for the inner layer as it inverts and

inherently the overlap would change at least some amount, and since the claim language does not specify any specific amount of change in overlap it is considered any inherent change in overlap would meet the claim language no matter how small a change that may be. With respect to the heat seal, when the thermosetting resin is heated by the wires it in effect seals the seam which provides the heat seal of the seam, and tape 9 also assists in this as well. Once cured the resin would inherently prevent the egress of material as would the tape 9, with respect to this argument however, such is merely intended use for the sleeve structure and Endo is capable of providing the protection against egress once cured, and the prior art need not be directed to solving the same problem to meet the claim language.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references to Maimets (862 and 026), Catallo (481 and 887), Fisco, Penza, and Pouchkarev disclosing state of the art repair sleeves.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (571) 272-4903. The examiner can normally be reached on Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James F. Hook/
Primary Examiner, Art Unit 3754

JFH